

**REMARKS**

Claims 1, 8, 15 and 16 have been amended to improve form and claim 3 has been canceled without prejudice or disclaimer. Claims 1, 2 and 4-23 are now pending in this application.

Claims 1-23 have been provisionally rejected under the doctrine of obviousness-type double patenting as being unpatentable over claims 1-32 of copending application number 10/699,823. While not concurring with the rejection, but to expedite prosecution, a terminal disclaimer has been filed concurrently with this amendment. Accordingly, withdrawal of the rejection of pending claims 1, 2 and 4-23 based on obviousness-type double patenting is respectfully requested.

Claims 1-4, 6-9 and 11-23 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Hyziak et al. (U.S. Patent Application Publication No. 2002/0057765; hereinafter Hyziak). The rejection is respectfully traversed.

Claim 1 recites a method for providing communication services that includes receiving a request from a hearing-impaired party for establishing a communication link. Claim 1, as amended, recites identifying a communication assistant from a list of available communication assistants and forwarding the request to the communication assistant. The Office Action states that node 16 and interface 34 of Hyziak function as an automated communication assistant and provide text-to-speech and speech-to-text conversion (Office Action – page 3).

Hyziak disclose that communication node 16 provides assistance for hearing-impaired persons through the use of text interface 34. The text interface 34 may convert text messages transmitted to communication device 16 to speech messages and convert

text or speech input from an end user into text (Hyziak - paragraph 13). Hyziak, however, does not disclose identifying a communication assistant, as required by claim 1, much less identifying a communication assistant from a list of available communication assistants, as further required by amended claim 1.

In other words, all communications from communication devices 12 and 22 of Hyziak are transmitted to communication node 16 and then processed by text interface 34 (Hyziak – Fig. 1). Hyziak does not disclose identifying a communication assistant from a list of available communication assistants, as required by amended claim 1. Hyziak, therefore, cannot disclose or suggest forwarding the request to the communication assistant, as further required by claim 1.

Claim 1, as amended, also recites establishing, by the communication assistant, a communication link to the hearing-impaired party using a text messaging program, wherein the communication link between the hearing-impaired party and the communication assistant comprises a persistent, full duplex link. This feature was previously recited in original claim 3. As to this feature, the Office Action states that Hyziak discloses establishing a full duplex data link and points to communication network 14 and paragraphs 8-67 for support (Office Action – page 3). The applicants respectfully disagree.

Hyziak discloses that communication network 14 can include intranets, extranets, a LAN, a telephone network, a cellular network, a satellite network, the Internet or any number of other types of networks (Hyziak – paragraph 11). Hyziak, however, does not disclose that any communication link between communication device 12 and communication node 16 through network 14 is a persistent, full duplex link. As

described in the applicants' specification at, for example, paragraph 37, the term "persistent, full duplex" refers to a communication link that is always connected and allows both parties to simultaneously transmit information. The applicants respectfully submit that Hyziak does not disclose or suggest that the communication link through network 14 between communication device 12 and communication node 16 is a persistent, full duplex link, as required by amended claim 1.

For at least these reasons, Hyziak does not disclose or suggest each of the features of amended claim 1. Accordingly, withdrawal of the rejection of claim 1 based on Hyziak is respectfully requested.

Claims 2, 4, 6 and 7 are dependent on claim 1 and are believed to be allowable over Hyziak for at least the reasons claim 1 is allowable over Hyziak. Accordingly, withdrawal of the rejection of claims 2, 4, 6 and 7 is respectfully requested.

Claim 8 recites features similar to claim 1 and is believed to be allowable over Hyziak for reasons similar to those discussed above with respect to claim 1. For example, claim 8 recites a system that includes a server and a first device. Claim 8, as amended, recites that the server is configured to identify a first communication assistant from a plurality of communication assistants. Similar to the discussion above with respect to claim 1, Hyziak does not disclose this feature. Claim 8 also recites that the first device is associated with the first communication assistant and that the first device is configured to receive the request from the server and establish a full duplex communication link to the wireless device. Similar to the discussion above with respect to claim 1, Hyziak does not disclose that the link between communication device 12 and communication node 16 via communication network 14 is a full duplex link.

For at least these reasons, Hyziak does not disclose or suggest each of the features of amended claim 8. Accordingly, withdrawal of the rejection of claim 8 based on Hyziak is respectfully requested.

Claims 9 and 11-14 are dependent on claim 8 and are believed to be allowable over Hyziak for at least the reasons claim 8 is allowable over Hyziak. In addition, these claims recite additional features not disclosed or suggested by Hyziak.

For example, claim 13 recites that the first device is further configured to establish a conference call between the hearing-impaired party, the first communication assistant and the hearing party, the conference call utilizing voice over Internet Protocol. The Office Action does not particularly address this feature. The applicants respectfully request that any subsequent communication particularly point out where Hyziak allegedly discloses this feature or withdraw the rejection.

In any event, Hyziak may disclose that communication networks 14 and 18 may include a voice over Internet protocol (VoIP) network (Hyziak – paragraph 11). Hyziak, however, does not disclose or suggest establishing a conference call between a hearing-impaired party, the first communication assistant and a hearing party, as required by claim 13, much less that the conference call utilizes VoIP, as further required by claim 13.

For at least this additional reason, withdrawal of the rejection and allowance of claim 13 are respectfully requested.

Claim 15, as amended, recites a computer-readable medium that includes instructions which, when executed by a processor, cause the processor to establish a persistent, full duplex communication link with the wireless device using a text

messaging program. Similar to the discussion above with respect to claim 1, Hyziak does not disclose or suggest this feature. Accordingly, withdrawal of the rejection of claim 15 based on Hyziak is respectfully requested.

Claim 18 recites a system that includes means for establishing a full duplex data link between the communication assistant and a wireless device. Claim 20 recites a method that includes establishing a full duplex data link with a wireless device. Similar to the discussion above with respect to claim 8, Hyziak does not disclose or suggest these features. Accordingly, withdrawal of the rejection of claims 18 and 20 based on Hyziak is respectfully requested.

Claims 16, 17, 19 and 21-23 variously depend on claims 15, 18 and 20 and are believed to be allowable over Hyziak for at least the reasons their respective independent claims are allowable. In addition, these claims recite additional features not disclosed or suggested by Hyziak.

For example, claim 23 recites communicating with the hearing-impaired party by transmitting image data to the wireless device. The Office Action has not particularly addressed this feature. The applicants respectfully request that any subsequent communication particularly point out where Hyziak allegedly discloses this feature or withdraw the rejection. In any event, Hyziak does not disclose or suggest this feature.

For at least this additional reason, withdrawal of the rejection and allowance of claim 23 are respectfully requested.

Claims 1, 4 and 6 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Steel, Jr. (U.S. Patent Application Publication No. 2004/0111268; hereinafter Steel). The rejection is respectfully traversed.

Claim 1, as amended, recites a method that includes establishing, by a communication assistant, a communication link to a hearing-impaired party using a text messaging program, wherein the communication link between the hearing-impaired party and the communication assistant comprises a persistent, full duplex link. This feature was previously recited in original claim 3, which was not rejected under 35 U.S.C. § 102 based on Steel. Accordingly, withdrawal of the rejection of claim 1 under 35 U.S.C. § 102 based on Steel is respectfully requested.

Claims 4 and 6 are dependent on claim 1 and are believed to be allowable over Steel for at least the reasons claim 1 is allowable over Steel. Accordingly, withdrawal of the rejection of claims 4 and 6 under 35 U.S.C. § 102 based on Steel is respectfully requested.

Claims 5 and 10 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Hyziak in view of Battin et al. (U.S. Patent Application Publication No. 2002/0199019; hereinafter Battin). The rejection is respectfully traversed.

Claims 5 and 10 are dependent on claims 1 and 8, respectively, and are believed to be allowable for at least the reasons their respective independent claims are allowable. Battin does not remedy the deficiencies in Hyziak discussed above with respect to claims 1 and 8. Accordingly, withdrawal of the rejection of claims 5 and 10 is respectfully requested.

Claim 5 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Steel in view of Battin. The rejection is respectfully traversed.

Claim 5 is dependent on claim 1 and is believed to be allowable for at least the reasons claim 1 is allowable. Battin does not remedy the deficiencies in Steel discussed above with respect to claim 1. Accordingly, withdrawal of the rejection of claim 5 is respectfully requested.

Claim 7 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Steel in view of Hamilton (U.S. Patent No. 6,801,613). The rejection is respectfully traversed.

Claim 7 is dependent on claim 1 and is believed to be allowable for at least the reasons claim 1 is allowable. Hamilton does not remedy the deficiencies in Steel discussed above with respect to claim 1. Accordingly, withdrawal of the rejection of claim 7 is respectfully requested.

Claims 2, 3, 8, 9, 11, 15, 16, 18-20 and 23 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Steel in view of Hyziak and further in view of Carey et al. (U.S. Patent No. 6,714,793). The rejection is respectfully traversed.

The applicants initially note that claims 2, 3, 8, 9, 11, 15, 16, 18-20 and 23 have been rejected under 35 U.S.C. § 102 as being anticipated by Hyziak. Therefore, the rejection under § 103 based on the combination of Steel, Hyziak and Cary appears to contradict the rejection under 35 U.S.C. § 102 based on Hyziak alone. Clarification as to these two rejections is respectfully requested in any subsequent communication.

In any event, the Office Action admits that Steel does not disclose the use of a wireless device associated with the request from a hearing-impaired party (Office Action

– page 7). The Office Action, however, relies upon Hyziak to disclose using a wireless device and Carey to disclose using a wireless device to provide text messaging (Office Action – page 7).

Claim 1 recites establishing, by a communication assistant, a communication link to the hearing-impaired party using a text messaging program, wherein the communication link between the hearing-impaired party and the communication assistant comprises a persistent, full duplex link. Claim 15 recites a similar feature. Hyziak, as discussed above with respect to claim 1, does not disclose or suggest this feature. Carey also does not disclose or suggest this feature.

Therefore, even if Steel, Hyziak and Carey were properly combinable, the combination would not disclose or suggest each of the features of claim 2, which depends on claim 1. The combination would also not disclose or suggest each of the features of claim 15 and 16.

For at least this reason, withdrawal of the rejection and allowance of claims 2, 15 and 16 are respectfully requested.

Claim 8 recites a system that includes a first device associated with a first communication assistant, where the first device is configured to establish a full duplex communication link to a wireless device. Claims 18 and 20 each recite a similar feature.

Hyziak, as discussed above with respect to claim 8, does not disclose or suggest this feature. In addition, neither Steel nor Carey discloses or suggests this feature. Therefore, even if Steel, Hyziak and Carey were properly combinable, the combination would not disclose or suggest each of the features of claims 8, 18 and 20. Accordingly,



withdrawal of the rejection and allowance of claims 8, 18 and 20 are respectfully requested.

Claims 9, 11, 19 and 23 variously depend on claims 8, 18 and 20 and are believed to be allowable for at least the reasons their respective independent claims are allowable. Accordingly, withdrawal of the rejection and allowance of claims 9, 11, 19 and 23 are respectfully requested.

Claims 12-14 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Steel, Hyziak and Cary and further in view of Hamilton. The rejection is respectfully traversed.

Claims 12-14 are dependent on claim 8 and are believed to be allowable for at least the reasons claim 8 is allowable. Hamilton does not remedy the deficiencies in the combination of Steel, Hyziak and Carey discussed above with respect to claim 8. In addition, claims 12-14 are allowable for additional reasons.

For example, the Office Action admits that Steel does not disclose using a VoIP link, but states that it is old and well known to use VoIP in ACD systems and relies upon Hamilton as disclosing the use of VoIP (Office Action – pages 7-8). The Office Action then states that it would have been obvious to modify Steel's voice link to a VoIP link to provide cost and bandwidth advantages over traditional PSTN (Office Action – page 8). The applicants respectfully disagree.

Hamilton is directed to associating a call appearance with data associated with a call (Hamilton – Abstract). Hamilton may disclose that VoIP offers cost advantages over POTS telephony (Hamilton – col. 20, lines 36-58). Hamilton, however, is totally unrelated to the disclosure of Steel. The mere fact that Hamilton discloses that VoIP

provides costs advantages over the PSTN does not provide objective motivation as to why it would have been obvious to modify Steel to include features from Hamilton due to the disparate nature of these references. In contrast, the applicants assert that one of ordinary skill in the art would not look to combine features from Hamilton with Steel due to the fact that these references are totally unrelated.

Further, the alleged motivation for the combination, (i.e., to provide cost and bandwidth advantages) is merely a conclusory statement regarding an alleged benefit of the combination. Such motivation does not satisfy the requirements of 35 U.S.C. § 103. For at least this additional reason, withdrawal of the rejection and allowance of claims 12-14 is respectfully requested.

Claims 17, 21 and 22 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Steel, Hyziak and Cary and further in view of Duffin (U.S. Patent No. 5,991,723). The rejection is respectfully traversed.

Claim 17 depends on claim 15 and claims 21 and 22 depend on claim 20. These claims are believed to be allowable for at least their respective independent claims are allowable. Duffin does not remedy the deficiencies in the combination of Steel, Hyziak and Carey discussed above with respect to claims 15 and 20. In addition, claims 17, 21 and 22 are believed to be allowable for additional reasons.

For example, the Office Action states that it would have been obvious to modify Steel to include the features allegedly disclosed by Duffin “to overcome the disadvantages such as limited number of operators (communication assistants), operators being under utilized, added expense, lacks privacy, etc.” (Office Action – page 9). The applicants assert that this motivation is merely a conclusory statement regarding an

alleged benefit of the combination. Such motivation does not satisfy the requirements of 35 U.S.C. § 103.

The Office Action further states that providing a mechanical or automatic means to replace manual activity which accomplished the same result involves only routine skill in the art and points to In re Venner for support (Office Action – page 9). The applicants assert that claims 17, 21 and 22 require more than merely replacing a manual activity with a mechanical or automatic means. Therefore, the reliance on In re Venner to somehow show that the particularly recited features of claims 17, 21 and 22 are obvious does not satisfy the requirements of 35 U.S.C. § 103.

For at least these additional reasons, withdrawal of the rejection and allowance of claim 17, 21 and 22 are respectfully requested.

Claim 10 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Steel, Hyziak and Cary and further in view of Battin. The rejection is respectfully traversed.

Claim 10 depends on claim 8 and is believed to be allowable for at least the reasons claim 8 is allowable. Battin does not remedy the deficiencies in the combination of Steel, Hyziak and Carey discussed above with respect to claim 8. Accordingly, withdrawal of the rejection and allowance of claim 10 are respectfully requested.

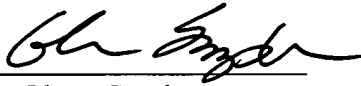
## **CONCLUSION**

In view of the foregoing amendments and remarks, the applicants respectfully request withdrawal of the outstanding rejections and the timely allowance of this application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 13-2491 and please credit any excess fees to such deposit account.

Respectfully submitted,

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